

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:21 CR 817
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	ORDER ACCEPTING PLEA
	)	AGREEMENT, JUDGMENT AND
KEVIN SMITH,	)	REFERRAL TO U.S. PROBATION
	)	<u>OFFICE</u>
Defendant	)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of Kevin Smith, which was referred to the Magistrate Judge with the consent of the parties.

On February 17, 2022, the government filed a 5 count Superseding Indictment, charging Defendant Smith in Count 1 with Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, in violation of Title 21 U.S.C. § 846. Defendant Smith was arraigned on March 3, 2022, and entered a plea of not guilty to Count 1 of the Superseding Indictment, before Magistrate Judge Baughman. On May 19, 2022, Magistrate Judge Baughman, received Defendant Smith's plea of guilty to Count 1 of the Superseding Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Smith is found to be competent to enter a plea and to understand his constitutional rights. He is aware of

the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Kevin Smith is adjudged guilty to Count 1 of the Superseding Indictment, in violation of Title 21 U.S.C. § 846. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on September 9, 2022, at 3:30 p.m. in Courtroom 19A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

June 13, 2022